

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

GORDON SWEARINGEN AND)	
MAJOLIS SWEARINGEN,)	
)	
Plaintiff,)	
)	
v.)	No.
)	
PORTFOLIO RECOVERY)	
ASSOCIATES, LLC,)	
)	
Defendant.)	

PLAINTIFFS' COMPLAINT AND DEMAND FOR JURY TRIAL

GORDON SWEARINGEN AND MAJOLIS SWEARINGEN ("Plaintiffs"), through their attorneys, KROHN & MOSS, LTD., alleges the following against PORTFOLIO RECOVERY ASSOCIATES, LLC ("Defendant"):

INTRODUCTION

1. Plaintiffs' Complaint is based on the Fair Debt Collection Practices Act, 15 U.S.C. 1692 *et seq.* (FDCPA).
2. Defendant acted through its agents, employees, officers, members, directors, heirs, successors, assigns, principals, trustees, sureties, subrogees, representatives, and insurers.

JURISDICTION AND VENUE

3. Jurisdiction of this court arises pursuant to 15 U.S.C. 1692k(d), which states that such actions may be brought and heard before "any appropriate United States district court without regard to the amount in controversy."

4. Defendant conducts business in the state of Illinois, and therefore, personal jurisdiction is established.

5. Venue is proper pursuant to 28 U.S.C. 1391(b)(1).

PARTIES

6. Plaintiffs are natural persons residing in the state of Iowa and are obligated or allegedly obligated to pay a debt and are “consumers” as that term is defined by 15 U.S.C. 1692a(3).

7. Defendant is a debt collector as that term is defined by 15 U.S.C. 1692a(6), and sought to collect a consumer debt from Plaintiffs.

8. Plaintiffs are informed and believe, and thereon allege, that Defendant is a corporation with an office in Chicago, Illinois.

9. Defendant is a collection agency that in the ordinary course of business, regularly, on behalf of itself or others, engages in debt collection.

FACTUAL ALLEGATIONS

10. Defendant constantly and continuously placed collection calls to Plaintiffs seeking and demanding payment for an alleged debt.

11. Defendant started placing collection calls to Plaintiffs nearly five months ago.

12. Defendant places up to two collection calls to Plaintiffs everyday.

13. Defendant places collection calls to Plaintiffs on telephone number: 319-393-4639.

14. Defendant is attempting to collect a debt that is over twenty years old.

15. Defendant threatened Plaintiffs with court if payment was not made.

COUNT I
DEFENDANT VIOLATED THE FAIR DEBT COLLECTION PRACTICES ACT

16. Defendant violated the FDCPA based on the following:

- a) Defendant violated §1692d of the FDCPA by engaging in conduct of which the natural consequence is the abuse and harassment of the Plaintiffs.
- b) Defendant violated §1692d(5) of the FDCPA by causing the telephone to ring and engaging Plaintiffs in telephone conversations repeatedly.
- c) Defendant violated §1692e(5) of the FDCPA by threatening Plaintiffs with legal action even though such action is not intended to be taken.
- d) Defendant violated §1692e(10) of the FDCPA in a deceptive means to collect a debt by threatening Plaintiffs with legal action even though such action is not intended to be taken.

WHEREFORE, Plaintiff, GORDON SWEARINGEN AND MAJOLIS SWEARINGEN, respectfully request judgment be entered against Defendant, PORTFOLIO RECOVERY ASSOCIATES, LLC, for the following:

- 17. Statutory damages of \$1,000.00, pursuant to the Fair Debt Collection Practices Act, *15 U.S.C. 1692k*;
- 18. Costs and reasonable attorneys' fees pursuant to the Fair Debt Collection Practices Act, *15 U.S.C. 1692k*; and
- 19. Any other relief that this Honorable Court deems appropriate.

RESPECTFULLY SUBMITTED,

By: /s/ Adam T. Hill
Adam T. Hill
KROHN & MOSS, LTD.
120 W. Madison Street, 10th Floor
Chicago, IL 60602
(312) 578-9428
ahill@consumerlawcenter.com
Attorneys for Plaintiff

DEMAND FOR JURY TRIAL

PLEASE TAKE NOTICE that Plaintiffs, GORDON SWEARINGEN AND MAJOLIS SWEARINGEN, demand a jury trial in this case.

VERIFICATION OF COMPLAINT AND CERTIFICATION

(STATE OF IOWA)

Plaintiff, GORDON SWEARINGEN, states the following:

1. I am the Plaintiff in this civil proceeding.
2. I have read the above-entitled civil Complaint prepared by my attorneys and I believe that all of the facts contained in it are true, to the best of my knowledge, information and belief formed after reasonable inquiry.
3. I believe that this civil Complaint is well grounded in fact and warranted by existing law or by a good faith argument for the extension, modification or reversal of existing law.
4. I believe that this civil Complaint is not interposed for any improper purpose, such as to harass any Defendant(s), cause unnecessary delay to any Defendant(s), or create a needless increase in the cost of litigation to any Defendant(s), named in the Complaint.
5. I have filed this Complaint in good faith and solely for the purposes set forth in it.
6. Each and every exhibit I have provided to my attorneys which has been attached to this Complaint is a true and correct copy of the original.
7. Except for clearly indicated redactions made by my attorneys where appropriate, I have not altered, changed, modified or fabricated these exhibits, except that some of the attached exhibits may contain some of my own handwritten notations.

Pursuant to 28 U.S.C. § 1746(2), I, GORDON SWEARINGEN, hereby declare (or certify, verify or state) under penalty of perjury that the foregoing is true and correct.

2-9-2011

Date

Gordon M. Swearingen
GORDON SWEARINGEN

VERIFICATION OF COMPLAINT AND CERTIFICATION

(STATE OF IOWA)

Plaintiff, MAJOLIS SWEARINGEN, states the following:

8. I am the Plaintiff in this civil proceeding.
9. I have read the above-entitled civil Complaint prepared by my attorneys and I believe that all of the facts contained in it are true, to the best of my knowledge, information and belief formed after reasonable inquiry.
10. I believe that this civil Complaint is well grounded in fact and warranted by existing law or by a good faith argument for the extension, modification or reversal of existing law.
11. I believe that this civil Complaint is not interposed for any improper purpose, such as to harass any Defendant(s), cause unnecessary delay to any Defendant(s), or create a needless increase in the cost of litigation to any Defendant(s), named in the Complaint.
12. I have filed this Complaint in good faith and solely for the purposes set forth in it.
13. Each and every exhibit I have provided to my attorneys which has been attached to this Complaint is a true and correct copy of the original.
14. Except for clearly indicated redactions made by my attorneys where appropriate, I have not altered, changed, modified or fabricated these exhibits, except that some of the attached exhibits may contain some of my own handwritten notations.

Pursuant to 28 U.S.C. § 1746(2), I, MAJOLIS SWEARINGEN, hereby declare (or certify, verify or state) under penalty of perjury that the foregoing is true and correct.

2-4-21
Date

Majoli Swearingen
MAJOLIS SWEARINGEN